

REMARKS/ARGUMENTS

Claims 54-57, 59 and 61-67 are pending. By this Amendment, claims 54, 59, 61, 65 and 66 are amended, claims 58, 60 and 64 are canceled, and new claim 67 is added. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

In the Office Action, the drawings were objected to as allegedly failing to show the decoupling structure. However, as described in paragraphs [0232] and [0277] of the original application, the decoupling structure includes, for example, a flexible structure or a bellows structure which is shown in the drawings associated with paragraphs [0232] and [0277]. See, for example, bellows portion 230.1 in Figure 68A.

Reconsideration and withdrawal of the drawing objections are respectfully requested.

Claim 54 was rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed as the specification apprises one of ordinary skill in the art as to the meaning of the term “decoupling structure”. For example, paragraph [0232] specifies that the bellows 230.1 provides a flexible element which allows movement between the connection piece or elbow 50 and the shell/cushion 230. By providing this flexibility there is a decoupling of any torque which may attempt to transfer between the elbow and the shell/cushion. Paragraph [0277] specifies that since the shell/cushion is constructed from a flexible material, movement of an air delivery conduit attached to the swivel elbow does not directly disrupt the seal of the shell/cushion. In this way, decoupling of drag forces from the air delivery conduit can be achieved. Therefore, Applicants respectfully submit that the term “decoupling structure” as used in claim 54 satisfies the requirements of 35 U.S.C. §112, second paragraph.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 54-58, 60, 61 and 64-66 were rejected under 35 U.S.C. §102(b) over McCall (U.S. Patent No. 5,921,239). This rejection is respectfully traversed. Claim 54 is directed to a mask system for treating sleep disordered breathing. The mask system comprises, *inter alia*, a flexible shell forming a flexible decoupling structure. The mask system also includes a cushion provided to the shell and a conduit portion having a first end provided to the shell... whereby any movement of the air delivery conduit creating drag forces applied to the conduit portion can be decoupled from the cushion so as to avoid disruption of the seal.

McCall does not teach or disclose this subject matter. McCall discloses an elbow joined to the shell by a ball and socket joint. There is no teaching or suggestion in McCall as to the flexible shell of claim 54, or a flexible shell which forms a flexible decoupling structure as specified in claim 54. The shell in McCall is not flexible, and nor does it include a flexible decoupling structure. The ball and socket joint does not define a flexible decoupling structure, and in any event, is associated with problems in operation as the construction of the socket may grip or resist movement of the ball of the elbow.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 54-56 and 58-62 were rejected under 35 U.S.C. §102(b) over Sullivan (U.S. Patent No. 6,039,044). This rejection is respectfully traversed at least because Sullivan does not teach a frame to support the shell, as previously recited in canceled claim 64. It is noted that Sullivan was not relied upon to teach the subject matter of claim 64.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 63 was rejected based on the combination of Sullivan in view of Scarberry (U.S. Patent No. 6,397,847) or McCall in view of Scarberry. However, these rejections are respectfully traversed at least because claim 63 depends from claim 54, and is patentable in view

of that dependency. In addition, Scarberry does not make up for the deficiencies noted above with respect to Sullivan or McCall.

Reconsideration and withdrawal of the rejection are respectfully requested.

In addition, new dependent claim 67 is provided for the Examiner's consideration.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4398-474.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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